

1-1 By: Wu, et al. (Senate Sponsor - Huffman) H.B. No. 418
 1-2 (In the Senate - Received from the House April 13, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on Health
 1-4 and Human Services; May 20, 2015, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; May 20, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to child victims of trafficking who are placed in secure
 1-20 foster homes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter A, Chapter 262, Family Code, is
 1-23 amended by adding Section 262.011 to read as follows:

1-24 Sec. 262.011. PLACEMENT IN SECURE AGENCY FOSTER HOME OR
 1-25 SECURE AGENCY FOSTER GROUP HOME. A court in an emergency, initial,
 1-26 or full adversary hearing conducted under this chapter may order
 1-27 that the child who is the subject of the hearing be placed in a
 1-28 secure agency foster home or secure agency foster group home
 1-29 verified in accordance with Section 42.0531, Human Resources Code,
 1-30 if the court finds that:

1-31 (1) the placement is in the best interest of the child;
 1-32 and

1-33 (2) the child's physical health or safety is in danger
 1-34 because the child has been recruited, harbored, transported,
 1-35 provided, or obtained for forced labor or commercial sexual
 1-36 activity, including any child subjected to an act specified in
 1-37 Section 20A.02 or 20A.03, Penal Code.

1-38 SECTION 2. Section 262.104(a), Family Code, is amended to
 1-39 read as follows:

1-40 (a) If there is no time to obtain a temporary restraining
 1-41 order or attachment before taking possession of a child consistent
 1-42 with the health and safety of that child, an authorized
 1-43 representative of the Department of Family and Protective Services,
 1-44 a law enforcement officer, or a juvenile probation officer may take
 1-45 possession of a child without a court order under the following
 1-46 conditions, only:

1-47 (1) on personal knowledge of facts that would lead a
 1-48 person of ordinary prudence and caution to believe that there is an
 1-49 immediate danger to the physical health or safety of the child;

1-50 (2) on information furnished by another that has been
 1-51 corroborated by personal knowledge of facts and all of which taken
 1-52 together would lead a person of ordinary prudence and caution to
 1-53 believe that there is an immediate danger to the physical health or
 1-54 safety of the child;

1-55 (3) on personal knowledge of facts that would lead a
 1-56 person of ordinary prudence and caution to believe that the child
 1-57 has been the victim of sexual abuse or of trafficking under Section
 1-58 20A.02 or 20A.03, Penal Code;

1-59 (4) on information furnished by another that has been
 1-60 corroborated by personal knowledge of facts and all of which taken
 1-61 together would lead a person of ordinary prudence and caution to

2-1 believe that the child has been the victim of sexual abuse or of
 2-2 trafficking under Section 20A.02 or 20A.03, Penal Code; or

2-3 (5) on information furnished by another that has been
 2-4 corroborated by personal knowledge of facts and all of which taken
 2-5 together would lead a person of ordinary prudence and caution to
 2-6 believe that the parent or person who has possession of the child is
 2-7 currently using a controlled substance as defined by Chapter 481,
 2-8 Health and Safety Code, and the use constitutes an immediate danger
 2-9 to the physical health or safety of the child.

2-10 SECTION 3. Section 262.107(a), Family Code, is amended to
 2-11 read as follows:

2-12 (a) The court shall order the return of the child at the
 2-13 initial hearing regarding a child taken in possession without a
 2-14 court order by a governmental entity unless the court is satisfied
 2-15 that:

2-16 (1) there is a continuing danger to the physical
 2-17 health or safety of the child if the child is returned to the
 2-18 parent, managing conservator, possessory conservator, guardian,
 2-19 caretaker, or custodian who is presently entitled to possession of
 2-20 the child or the evidence shows that the child has been the victim
 2-21 of sexual abuse or of trafficking under Section 20A.02 or 20A.03,
 2-22 Penal Code, on one or more occasions and that there is a substantial
 2-23 risk that the child will be the victim of sexual abuse or of
 2-24 trafficking in the future;

2-25 (2) continuation of the child in the home would be
 2-26 contrary to the child's welfare; and

2-27 (3) reasonable efforts, consistent with the
 2-28 circumstances and providing for the safety of the child, were made
 2-29 to prevent or eliminate the need for removal of the child.

2-30 SECTION 4. Section 262.201(b), Family Code, is amended to
 2-31 read as follows:

2-32 (b) At the conclusion of the full adversary hearing, the
 2-33 court shall order the return of the child to the parent, managing
 2-34 conservator, possessory conservator, guardian, caretaker, or
 2-35 custodian entitled to possession unless the court finds sufficient
 2-36 evidence to satisfy a person of ordinary prudence and caution that:

2-37 (1) there was a danger to the physical health or safety
 2-38 of the child, including a danger that the child would be a victim of
 2-39 trafficking under Section 20A.02 or 20A.03, Penal Code, which was
 2-40 caused by an act or failure to act of the person entitled to
 2-41 possession and for the child to remain in the home is contrary to
 2-42 the welfare of the child;

2-43 (2) the urgent need for protection required the
 2-44 immediate removal of the child and reasonable efforts, consistent
 2-45 with the circumstances and providing for the safety of the child,
 2-46 were made to eliminate or prevent the child's removal; and

2-47 (3) reasonable efforts have been made to enable the
 2-48 child to return home, but there is a substantial risk of a
 2-49 continuing danger if the child is returned home.

2-50 SECTION 5. Subchapter C, Chapter 42, Human Resources Code,
 2-51 is amended by adding Section 42.0531 to read as follows:

2-52 Sec. 42.0531. SECURE AGENCY FOSTER HOMES AND SECURE AGENCY
 2-53 FOSTER GROUP HOMES. (a) The commissioners court of a county or
 2-54 governing body of a municipality may contract with a child-placing
 2-55 agency to verify a secure agency foster home or secure agency foster
 2-56 group home to provide a safe and therapeutic environment tailored
 2-57 to the needs of children who are victims of trafficking.

2-58 (b) A child-placing agency may not verify a secure agency
 2-59 foster home or secure agency foster group home to provide services
 2-60 under this section unless the child-placing agency holds a license
 2-61 issued under this chapter that authorizes the agency to provide
 2-62 services to victims of trafficking in accordance with department
 2-63 standards adopted under this chapter for child-placing agencies.

2-64 (c) A secure agency foster home or secure agency foster
 2-65 group home verified under this section must provide:

2-66 (1) mental health and other services specifically
 2-67 designed to assist children who are victims of trafficking under
 2-68 Section 20A.02 or 20A.03, Penal Code, including:

2-69 (A) victim and family counseling;

- 3-1 (B) behavioral health care;
- 3-2 (C) treatment and intervention for sexual
- 3-3 assault;
- 3-4 (D) education tailored to the child's needs;
- 3-5 (E) life skills training;
- 3-6 (F) mentoring; and
- 3-7 (G) substance abuse screening and treatment as
- 3-8 needed;
- 3-9 (2) individualized services based on the trauma
- 3-10 endured by a child, as determined through comprehensive assessments
- 3-11 of the service needs of the child;
- 3-12 (3) 24-hour services; and
- 3-13 (4) appropriate security through facility design,
- 3-14 hardware, technology, and staffing.

3-15 SECTION 6. Not later than May 1, 2016, the executive
 3-16 commissioner of the Health and Human Services Commission shall
 3-17 adopt any standards and the Department of Family and Protective
 3-18 Services shall establish the verification procedures necessary to
 3-19 implement the changes in law made by this Act.

3-20 SECTION 7. This Act takes effect September 1, 2015.

3-21 * * * * *